

**ASSEMBLY BILL**

**No. 51**

**Introduced by Assembly Member Simitian**

December 2, 2002

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An act to add Section 65302.4 to the Government Code, relating to land use planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 51, as introduced, Simitian. General plans: child care facilities.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would require, upon the adoption or amendment of a city or county's general plan, on or after January 1, 2005, the land use element of the general plan to address the distribution of certain child care facilities. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California's burgeoning population and high cost of living  
4 have made securing high quality, affordable child care a challenge  
5 for working families and those making the transition from welfare  
6 to work.

7 (b) High quality, accessible, and affordable child care is an  
8 important element of California's infrastructure, is critical to our  
9 children, families, businesses, and economy, and is an essential  
10 service in every community.

11 (c) A "general plan" is a community's vision for its future and  
12 is an appropriate place to examine important infrastructure  
13 components, such as child care.

14 (d) Local land use policies can serve as barriers to the  
15 development of licensed child care facilities.

16 (e) However, by planning for the distribution of child care  
17 facilities in general plans, local communities can foster the  
18 creation of high quality, accessible, and affordable child care that  
19 is responsive to local needs and consistent with local development  
20 priorities and policies.

21 (f) Child care facilities, carefully distributed within a  
22 community, can complement other general plan goals, such as trip  
23 reduction and economic development.

24 (g) Local child care planning councils, child care planning  
25 coordinators, and child care resource and referral agencies exist in  
26 all 58 California counties, conduct needs assessments and strategic  
27 planning for child care, and can serve as a valuable resource to  
28 local land use planners who are looking to make a place for child  
29 care in the community.

30 (h) It is the intent of the Legislature in enacting this act to foster  
31 the development of more high quality, affordable, and accessible  
32 licensed child care facilities because this development will assist  
33 California's working families, businesses, and the economy.

34 SEC. 2. Section 65302.4 is added to the Government Code, to  
35 read:



1     65302.4. Upon the adoption, or amendment, of a city or  
2 county's general plan, on or after January 1, 2005, the land use  
3 element of the general plan shall address the distribution of child  
4 care facilities, except family day care homes as defined in Section  
5 1596.78 of the Health and Safety Code.

6     SEC. 3. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 a local agency or school district has the authority to levy service  
9 charges, fees, or assessments sufficient to pay for the program or  
10 level of service mandated by this act, within the meaning of  
11 Section 17556 of the Government Code.

